

AMENDED IN ASSEMBLY APRIL 16, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1197

Introduced by Assembly Member Bonilla

February 27, 2015

An act to amend Section 2025.220 of the Code of Civil Procedure, relating to depositions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as amended, Bonilla. Deposition notices.

Existing law prescribes the procedure for taking oral depositions inside the state. Existing law requires that, unless the parties agree or the court orders otherwise, the testimony, as well as any stated objections, be taken stenographically. Existing law requires a party desiring to take the oral deposition of a person to give a notice in writing that provides specified information, including the address and date of the deposition.

This bill would require the deposition notice governed by this section to include a statement disclosing the existence of a contractual relationship, if any, between the deposition officer or entity providing the services of the deposition officer and the party noticing the deposition or a third party who is financing all or part of the action, as specified. This bill would also require the deposition notice to contain a statement disclosing that the party noticing the deposition, *or a third party financing all or part of the action*, directed his or her attorney to use a particular officer or entity to provide services for the deposition, if applicable. This bill would permit any other party to object to the use

of an officer or entity if the party noticing the deposition makes such a disclosure.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2025.220 of the Code of Civil Procedure
2 is amended to read:
3 2025.220. (a) A party desiring to take the oral deposition of
4 any person shall give notice in writing. The deposition notice shall
5 state all of the following:
6 (1) The address where the deposition will be taken.
7 (2) The date of the deposition, selected under Section 2025.270,
8 and the time it will commence.
9 (3) The name of each deponent, and the address and telephone
10 number, if known, of any deponent who is not a party to the action.
11 If the name of the deponent is not known, the deposition notice
12 shall set forth instead a general description sufficient to identify
13 the person or particular class to which the person belongs.
14 (4) The specification with reasonable particularity of any
15 materials or category of materials, including any electronically
16 stored information, to be produced by the deponent.
17 (5) Any intention by the party noticing the deposition to record
18 the testimony by audio or video technology, in addition to
19 recording the testimony by the stenographic method as required
20 by Section 2025.330 and any intention to record the testimony by
21 stenographic method through the instant visual display of the
22 testimony. If the deposition will be conducted using instant visual
23 display, a copy of the deposition notice shall also be given to the
24 deposition officer. Any offer to provide the instant visual display
25 of the testimony or to provide rough draft transcripts to any party
26 which is accepted prior to, or offered at, the deposition shall also
27 be made by the deposition officer at the deposition to all parties
28 in attendance. Any party or attorney requesting the provision of
29 the instant visual display of the testimony, or rough draft
30 transcripts, shall pay the reasonable cost of those services, which
31 may be no greater than the costs charged to any other party or
32 attorney.

1 (6) Any intention to reserve the right to use at trial a video
2 recording of the deposition testimony of a treating or consulting
3 physician or of any expert witness under subdivision (d) of Section
4 2025.620. In this event, the operator of the video camera shall be
5 a person who is authorized to administer an oath, and shall not be
6 financially interested in the action or be a relative or employee of
7 any attorney of any of the parties.

8 (7) The form in which any electronically stored information is
9 to be produced, if a particular form is desired.

10 (8) (A) A statement disclosing the existence of a contract, if
11 any, ~~between the deposition officer or entity providing the services~~
12 ~~of the deposition officer and the noticing party or a third party who~~
13 ~~is financing all or part of the action requiring that party to use the~~
14 ~~officer or entity and either of the following for any service beyond~~
15 ~~the noticed deposition. deposition:~~

16 (i) *The deposition officer.*

17 (ii) *The entity providing the services of the deposition officer.*

18 (B) A statement disclosing that the party noticing the deposition,
19 *or a third party financing all or part of the action*, directed his or
20 her attorney to use a particular officer or entity to provide services
21 for the deposition, if applicable.

22 (C) (i) If a party discloses a contractual relationship or directive
23 pursuant to this paragraph, any other party may object in writing
24 at least three calendar days before the deposition date to the use
25 of that officer or entity.

26 (ii) A party shall personally serve an objection made pursuant
27 to this paragraph in accordance with Section 1011.

28 (b) Notwithstanding subdivision (a), where under Article 4
29 (commencing with Section 2020.410) only the production by a
30 nonparty of business records for copying is desired, a copy of the
31 deposition subpoena shall serve as the notice of deposition.